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No. 492] NEW DELHI, THURSDAY, OCTOBER 24, 1957/KARTIKA 2, 1879

ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 21st October 1957

S.R.O. 3418.—Whereas the election of S. Iqbal Singh as a member of the House of the People from the Ferozepore Constituency of that House has been called in question by election petition presented under Part VI of the Representation of the People Act, 1951 (43 of 1951), by Shri Mast Ram, M.A., LL.B., Advocate, Delhi Gate, Ferozepur City;

And whereas the Election Tribunal appointed by the Election Commission in pursuance of the provisions of section 86 of the said Act for the trial of the said petition has, in pursuance of the provisions contained in section 103 of the said Act, sent a copy of its order in the said election petition;

Now, therefore, in pursuance of the provisions of section 106 of the said Act, the Election Commission hereby publishes the said order of the Tribunal.

BEFORE ELECTION TRIBUNAL BHATINDA

ELECTION PETITION NO. 378 OF 1957

Shri Mast Ram M.A. LL.B., Advocate, Delhi Gate, Ferozepore City one of the contesting candidates—*Petitioner.*

vs.

Shri Iqbal Singh son of S. Rattan Singh Ward No. 8 Abohar, District Ferozepore, the candidate declared duly elected to the House of People from Ferozepore Constituency—*Respondent.*

ELECTION PETITION UNDER SECTIONS 80 TO 84, 98 TO 100, 117, 123, 130 & 140 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

PRESENT:

Memo for the petitioner.

Respondent with his counsel Shri Kishan Lal.

ORDER

This is an election petition by Shri Mast Ram calling in question the election of Shri Iqbal Singh to the House of People from Ferozepore

Constituency. Allegations of bribery, undue influence, hiring and procuring vehicles for conveying electors, obtaining and procuring official assistance etc., were made by the petitioner against the respondent. Since most of the allegations were vague these were struck off. 12 issues, however, were framed on 23rd July 1957.

The petitioner has not turned up today. He has, however, sent a telegram praying for an adjournment. It purports to have been handed over at Ferozepore Telegraph Office at 12-30 P.M. Learned counsel for the respondent has urged that the petitioner is adopting dilatory tactics to prolong the petition. I find much force in this contention. Issues were framed on 23rd July 1957. The petitioner was required to deposit the diet money etc., for summoning the witnesses on or before 2nd August 1957. He failed to do so. He did not take any step to summon any witness during this long interval. The petitioner has not even turned up today what to speak of producing any witness. Since the petitioner himself is practising as a Lawyer at Ferozepore it would be quite reasonable to suppose that it was within his knowledge that courts are reluctant to attach any importance to such telegrams. Ferozepore is not far off from Bhatinda. If the petitioner had cared a little he could send any Lawyer from Ferozepore to appear for him instead of sending a telegram. Under these circumstances I am of the opinion that this telegram is merely a camouflage to prolong the proceedings, and I am reluctant to attach any importance to this telegram.

Since the petitioner has not turned up I have no other alternative than to dismiss the petition in default with costs which I assess at Rs. 200/. Orders pronounced, accordingly. The file be consigned to the record room in due course of time.

(Sd.) KUL BHUSHAN,

Election Tribunal, Bhatinda.

The 9th October 1957.

[No. 82/378/57.]

By Order,

A. KRISHNASWAMY AIYANGAR, Secy.